



State Water Resources Control Board

SURNAME



Linda S. Adams

Secretary for
Environmental Protection

Division of Water Rights

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
Fax: 916.341.5400 ♦ www.waterrights.ca.gov

Arnold Schwarzenegger
Governor

Mailed 10/3/2007

In Reply Refer
to:300:BR:S007869

Joseph A. Benatar
423 2nd St.
Yuba City, CA 95991

Dear Mr. Benatar:

OWNER ASSIGNMENT FOR STATEMENT OF WATER DIVERSION AND USE NO. S007869 FOR
DIVERSION FROM DITCH CREEK TRIBUTARY TO DEER CREEK IN TEHAMA COUNTY

On June 20, 2005 the State Water Resources Control Board, Division of Water Rights (Division)
received your Supplemental Statement of Water Diversion and Use for 2002, 2003 and 2004, removing
James H. Polk as an owner.

Division staff has updated the ownership information for Statement No. S007869 to show the following:

Statement ID:	S007869
Current Owners:	Joseph A. Benatar, Tom R. Polk and Robert Polk
Mailing Address:	423 2 nd St. Yuba City, CA 95991
Telephone:	(530) 674-3910

A Supplemental Statement will be mailed to you every three years. The submittal of a Supplemental
Statement is a record of your water use. It is used by the Division to verify existing data and also gives
the Division the ability to notify you of water right matters related to your riparian claim.

Should you have questions regarding this matter, please contact me at (916) 341-5376 or
brigby@waterboards.ca.gov.

Sincerely,

BILL RIGBY
Engineering Associate
Data Management Unit

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SURNAME

BR 10/3/07

California Environmental Protection Agency

Recycled Paper



S007869%S%2004

2002, 2003, 2004
STATE WATER RESOURCES
CONTROL BOARD

2005 JUN 20 AM 11:31

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return This Form by JULY 1, 2005.

***If the mail recipient's name, address or phone No. is wrong or missing, please correct.**

Owner of Record: ~~JAMES H. POLK~~ JOSEPH A BENATAR; TOM R POLK;

ROBERT POLK; WATER RIGHTS
SACRAMENTO

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:

JOSEPH A BENATAR
423 - 2ND ST
YUBA CITY, CA 95991

STATEMENT NO.: S007869
CONTACT PHONE NO.: (530)674-3910

Source Name: DITCH CREEK

Tributary To: DEER CREEK

County: Tehama

Diversion Within: NW1/4 of NW1/4 Section 16, T26N, R03E, MB&M

Year of First Use: 1893

Parcel Number: 53-150-07

A. **Water is Used Under:** Riparian claim _____ Pre-1914 right ☒ Other (explain): _____

B. **Year of First Use:** (Please provide if missing above) _____

C. **Amount of Use:** Enter the amount (or the approximate amount) of water used each month, using the table below.

Amounts below are in: Gallons				Million Gallons (MG)				Acre-feet (AF) <input checked="" type="checkbox"/>		Other			Total Annual
Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
2002	X	X	X	X	X	X	X	X	X	X	X	X	60
2003	X	X	X	X	X	X	X	X	X	X	X	X	60
2004	X	X	X	X	X	X	X	X	X	X	X	X	60

D. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 40 ACRES ± acres; Stockwatering 0 *; Domestic 4 HOMESITES

Other (specify) * 2 ACRE POND -

E. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.
(New pump, enlarged diversion dam, location of diversion, etc.) NONE

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ☒ NO ☐

Describe any water conservation efforts you have initiated:

WATER TIMERS - SPRINTERS & DRIP IRRIGATION

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

Reduction in consumptive use:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES ☐ NO ☐

08 08 05 PLM
WRMS

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES ____ NO X
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:

Year ____ (AF/MG) Year ____ (AF/MG) Year ____ (AF/MG)

State the type of substitute water supply: _____

Amount of substitute water supply used:

Year ____ (AF/MG) Year ____ (AF/MG) Year ____ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES ____ NO ____

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES ____ NO X
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year ____ (AF/MG) Year ____ (AF/MG) Year ____ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES ____ NO ____

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: June 16, 2005 at Yuba City, California

SIGNATURE: Joseph A. Benatar

PRINTED NAME: Joseph A. BENATAR
(first name) (middle initial) (last name)

COMPANY NAME: _____

If there is insufficient space for your answers, please use the space provided below.

ITEM

CONTINUATION

"owners of
Record"

JAMES H. POLK is DECEASED

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000, SACRAMENTO, CA 95812-2000
(916) 657-2170

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1999

OWNER OF RECORD: JAMES H POLK, JOSEPH A BENATAR, TOM R POLK

JOSEPH A BENATAR
423 - 2ND ST
YUBA CITY, CA 95991

Phone # (530) 674-3910

SOURCE: DITCH CREEK

TRIBUTARY TO: DEER CREEK

COUNTY: TEHAMA

DIVERSION

WITHIN: NW¼ OF NW¼ SECTION 16, T26N, R3E, MB&M.

STATEMENT NO: S007869

TELEPHONE NUMBER:

(530) (916) 674-3910

YEAR OF FIRST USE: 1893

PARCEL NO:

A. Water is used under: Riparian claim _____ Pre 1914 right ☒ Other (explain): _____

B. Year of first use (Please provide if missing above) _____

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: Gallons _____ Acre-feet ☒ Other _____

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
1996	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	60
1997	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	60
1998	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	60

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 90 Acres ± acres; Stockwatering 5 Acres ±; Domestic 4 Homesites

Other (specify) _____

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Describe any water conservation efforts you may have started: _____

b. _____

c. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

19 _____ (af/mg) 19 _____ (af/mg) 19 _____ (af/mg)

2. Water quality and wastewater reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES _____ NO ☒

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000, SACRAMENTO, CA 95812-2000
(916) 657-2170

- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

19 _____ (af/mg) 19 _____ (af/mg) 19 _____ (af/mg)

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES _____ NO X
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

19 _____ (af/mg) 19 _____ (af/mg) 19 _____ (af/mg)

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: June 9, 19 99 at Yuba City, California

SIGNATURE: Joseph A. Benatar

PRINTED NAME: JOSEPH (first name) A. (middle init.) BENATAR (last name)

COMPANY NAME: _____

If there is insufficient space for your answers, please use the space provided below.

ITEM	CONTINUATION
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

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An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and per 1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1997

OWNER OF RECORD: JAMES H POLK, JOSEPH A BENATAR, TOM R POLK

JOSEPH A. BENATAR
423 - 2ND STREET
YUBA CITY, CA 95991
TELEPHONE (916) 674-3910

STATEMENT NO: S007869



TELEPHONE NUMBER:
(916) 674-3910
YEAR OF FIRST USE: 1893
PARCEL NO:

SOURCE: DITCH CREEK
TRIBUTARY TO: DEER CREEK
COUNTY: TEHAMA
DIVERSION
WITHIN: NW¼ OF NW¼ SECTION 16, T26N, R3E, MB&M.

A. Water is used under: Riparian claim _____; Pre 1914 right ☒ _____; Other (explain): _____

B. Year of first use (Please provide if missing above) _____

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other) _____

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1994	X	X	X	X	X	X	X	X	X	X	X	X	60
1995	X	X	X	X	X	X	X	X	X	X	X	X	60
1996	X	X	X	X	X	X	X	X	X	X	X	X	60

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 40 acres± acres; Stockwatering 5 acres±; Domestic 4 Homesites

Other (specify) _____

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: June 20, 19 97 at Yuba City, California

SIGNATURE: Joseph A. Benatar

PRINTED NAME: Joseph A. Benatar, Partner
(FIRST NAME) (MIDDLE INIT) (LAST NAME)

COMPANY NAME: _____

See back of page for General Information. If there is insufficient space for your answers, please number them in the space provided on the back of this form.

